

OK TO ENTER: /AA/

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2872**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi SHIRAI et al.

Group Art Unit: 2872

Application No.: 10/569,207

Examiner: A. AMARI

Filed: February 23, 2006

Docket No.: 127104

For: OPTICAL ELEMENT AND EXPOSURE APPARATUS

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 3, 2009 Office Action, reconsideration of the above-identified application is respectfully requested. Claims 37-39 and 60-66 are pending in this application

The Office Action provisionally rejects claims 37-39 and 60-62 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 7-12 of copending Application No. 11/512,087; and rejects claims 37 and 60 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 11/645,041. Applicants respectfully request that the rejections be withdrawn because (1) this application is the earlier application, (2) the applied applications are currently rejected over prior art, and (3) the only rejections that remain in this application are the nonstatutory obviousness-type double patenting rejections.